

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

TERENCE JONES,

Plaintiff,

v.

MELANIE R. CHEAIRS et al.,

Defendants.

CASE NO. 2:23-cv-01730-LK

ORDER DISCHARGING ORDER  
TO SHOW CAUSE AND  
EXTENDING TIME FOR SERVICE

This matter comes before the Court sua sponte. On July 1, 2024, the Court issued an order to show cause why the case should not be dismissed for failure to prosecute and failure to serve because Plaintiff Terence Jones had not served Defendants within 90 days as required by Federal Rule of Civil Procedure 4(m). Dkt. No. 8 at 1–2. The Court ordered Mr. Jones to respond within 30 days of the order, *id.* at 2, making his response due by August 1, 2024. The Court received his response to the order to show cause on August 7, 2024. Dkt. No. 9 at 1. In light of Mr. Jones’ pro se status, the Court accepts the late filed response but cautions him that any further violations of the Court’s orders and/or rules may result in sanctions.

Turning to the substance of his response, Mr. Jones requests additional time to serve Defendants due to his “economic status” and “health issues.” *Id.* at 2, 4. The Court must extend the 90-day service period upon a showing of good cause and, absent such a showing, retains broad discretion to dismiss the action or extend the period for service. Fed. R. Civ. P. 4(m); *In re Sheehan*, 253 F.3d 507, 512 (9th Cir. 2001); *Efaw v. Williams*, 473 F.3d 1038, 1041 (9th Cir. 2007). “[I]f good cause is not established, the district court may extend time for service upon a showing of excusable neglect.” *Lemoge v. United States*, 587 F.3d 1188, 1198 (9th Cir. 2009).

Here, although Mr. Jones’ references to his economic status and health issues are vague, the Court finds good cause to extend the deadline for service until September 20, 2024. Mr. Jones must file proof of service on all Defendants by that day. Otherwise, the Court may dismiss this matter without prejudice for failure to prosecute.

Finally, Mr. Jones’ response requests that the Court “allow[] the case to move forward with one or more of the following” and lists a series of sometimes conflicting relief, such as allowing him to amend his complaint and staying the case. Dkt. No. 9 at 5.<sup>1</sup> It is unclear what exactly he is seeking, but regardless, the Court will not grant relief absent a motion. *See* LCR 7. Any future request for relief must be in a motion that is sufficiently supported and in compliance with applicable Court rules.<sup>2</sup>

Dated this 12th day of August, 2024.



Lauren King  
United States District Judge

<sup>1</sup> The Clerk of the Court has reissued summons as Mr. Jones requested. *Id.*; Dkt. Nos. 10, 11.

<sup>2</sup> The United States District Court for the Western District of Washington’s “Pro Se Guide,” [https://www.wawd.uscourts.gov/sites/wawd/files/ProSeManual4\\_8\\_2013wforms.pdf](https://www.wawd.uscourts.gov/sites/wawd/files/ProSeManual4_8_2013wforms.pdf), provides guidance for pro se litigants on various topics, including the service requirement.